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4 UNITED STATES DISTRICT COURT
5 WESTERN DISTRICT OF WASHINGTON
6 AT TACOMA

7 STEVEN LEE SCHAFER,

8 Plaintiff,

9 v.

10 GERALD HORNE AND TERRY LANE IN
11 THEIR OFFICIAL CAPACITIES,

12 Defendants.

No. 09-5247RBL/JRC

ORDER ADOPTING REPORT AND
RECOMMENDATION

14 The Court, having reviewed the Report and Recommendation of Magistrate Judge J.
15 Richard Creatura, objections to the Report and Recommendation [Dkt. #16], and the remaining
16 record, does hereby find and ORDER:
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- 18 (1) The Court adopts the Report and Recommendation;
- 19 (2) This action is **DISMISSED WITHOUT PREJUDICE** based on the abstention
 doctrine. Mr. Schafer should raise these issues in his state court criminal trial.
- 20 (3) The Clerk is directed to send copies of this Order to plaintiff, and to the Hon. J.
 Richard Creatura.

22 DATED this 19th day of June, 2009.
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26 RONALD B. LEIGHTON
 UNITED STATES DISTRICT JUDGE